

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

LE'SEAN EDGE,	:	Case No. 1:20-cv-892
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	
vs.	:	Magistrate Judge Stephanie K.
	:	Bowman
MS. MAHLMAN, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORTS AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 5, 9, 13)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and, on December 28, 2020, submitted a Report and Recommendation. (Doc. 5). No objections were filed.

Instead, Plaintiff filed an Amended Complaint. (Doc. 8). Based on the Amended Complaint, the Magistrate Judge submitted a second Report and Recommendation on January 26, 2021. (Doc. 9). Again, no objections were filed.

On February 18, 2021, Plaintiff filed a motion for leave to file an amended complaint to add a new claim. (Doc. 11). The Magistrate Judge submitted a third Report and Recommendation on March 9, 2021, recommending that the motion for leave to amend the complaint be denied. No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all

of the filings in this matter. Upon consideration of the foregoing, the Court finds that the Reports and Recommendations (Docs. 5, 9, 13) should be and are hereby adopted in their entirety.

Accordingly, for these reasons:

1. The Reports and Recommendations (Docs. 5, 9, 13) are hereby **ADOPTED**;
2. Plaintiff's motion for leave to amend his complaint (Doc. 12) is **DENIED**;¹
3. Plaintiff's claims against Defendant Mahlman are **DISMISSED with prejudice**;
4. Plaintiff's federal constitutional claims against Defendants Taylor and Harr are **DISMISSED with prejudice**;
5. The Court **DECLINES** to exercise supplemental jurisdiction pursuant to 28 U.S.C. § 1367(c)(3) over any state-law claims against Defendants Taylor and Harr, and any such claims are **DISMISSED without prejudice**;
6. Plaintiff's claims against Defendants Justice and Wellman are **DISMISSED with prejudice with the exception of** Plaintiff's claim against C.O. Justice and C.O. Wellman regarding the alleged unsanitary conditions of cell number 33 in the J2 unit;² and,
7. The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore Petitioner is denied leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

Date: 4/14/2021

s/Timothy S. Black
Timothy S. Black
United States District Judge

¹ As discussed by the Magistrate Judge, should plaintiff wish to seek relief on the new claims alleged in the proposed amended complaint, he must do so in a separate action, and seek leave to proceed *in forma pauperis* or pay the filing fee required to commence a civil action in that case.

² This stands as the only remaining claim.